

Appl. No. 10/534,639  
Amdt. dated February 22, 2007  
Reply to Office Action of September 22, 2006

AMENDMENTS TO THE DRAWINGS:

As indicated on the attached Replacement Sheets, Fig. 1c. is being amended to explicitly show the laser emitter and detector 3c, and Fig. 3 is being amended to explicitly show the plurality of motion sensors 2a, 2b, 2c, 2d, 2e and 2f. These features were described in the original application and thus, no new matter is being added.

REMARKS

Reconsideration and allowance of the above-identified application are respectfully requested. Upon entry of this Amendment, claims 1-9, 11, 13, 15, 18-21, 26, 28 and 30-43 will be pending.

As a preliminary matter, during review of the published U.S. Patent Application Serial No. 2006/0053645 A1, certain minor errors were discovered. In particular, the "IMU" is printed as "IML" in paragraph 0026, line 2 and paragraph 0054, line 11 and as "IU" in paragraph 0061, line 3. It is understood that because these are not "material" errors, no Request for Correction could have been filed. However, Applicants respectfully request that these errors be corrected in the Letters Patent that issues from the present application.

As indicated in Section 1 of the Office Action, the Examiner has made minor objections to the drawings. In response, Fig. 1c is being amended to show the "laser emitter and detector 3a" on which the "non-contact distance meter" recited in claim 30 reads, and Fig. 3 is being amended to illustrate motion sensors 2a-2f, on which the "one or more motion sensors" recited in claims 1 and 6 and the "plurality of motion sensors" recited in claim 15 read. These features have already been described in the application as originally filed and thus, the drawings are being amended to be consistent with the specification. No new matter is being entered.

Accordingly, Applicants respectfully request that the Examiner withdraw these objections to the drawings.

Applicants respectfully traverse the objection to claim 1. In particular, Applicants respectfully submit that it would be understood by one skilled in the art that electronics in a single

sensor can monitor motion in more than one degree of freedom, as can be further appreciated from the description in the present specification. Nevertheless, claim 1 is being amended to clarify this feature. Applicants further submit that the above amendments to claim 15 should eliminate the objection to that claim.

Accordingly, Applicants respectfully request that the Examiner withdraw these objections.

Turning now to the substantive rejections, claims 1-9, 11, 13, 15, 18-21, 26-28 and 30 are rejected under 35 U.S.C. § 102(b) as being anticipated by published patent application GB 2045938 A to Davis. Applicants respectfully submit that the claims as amended above are allowable over this reference.

Specifically, as described throughout the present application, the claimed embodiments of the present invention provide a portable measuring device comprising, among other things, one or more sensors, a processor, and a display. The processor provides a measure of relative spatial separation of, for example, first and second locations, and the display visually presents information pertaining to the measured relative spatial separation. In addition, as explicitly recited in independent claims 1, 5 and 6, the processor further can determine an error correction in relation to motion detected by the one or more sensors. This feature is described, for example, beginning at page 13, line 29 of the present application. Hence, the accuracy of the portable measuring device can be improved.

Davis describes a device that uses inertial navigation techniques to measure dimensions of an object. The Examiner contends that page 2, lines 95-120 of Davis teach error correction. However, Applicants respectfully submit that this section of Davis describes the manner in which

the measurements are made, and at best, explains that the measurements can be taken in a variety of different ways without affecting the ability of the measuring device to record the measurements. For example, the measuring device can remain in contact with the surface of an object when measuring between a first and second location, or the measurement can be determined for each location in relation to chosen datum. Applicants respectfully submit that these techniques are not “error correction” but rather are part of the basic functionality of the measuring device which use data from inertial sensors to calculate a spatial measurement.

For these reasons, Applicants respectfully submit that the teachings of Davis fail to anticipate the embodiments of the present invention even as defined in independent claims 1, 5 and 6. Hence, all claims should be allowable.

Claim 30 is further rejected under 35 U.S.C. § 103(a) as being unpatentable over Davis in view of U.S. Patent No. 6,715,213 to Richter. This rejection is respectfully traversed.

To begin, the Examiner admits that Davis fails to teach a non-contact distance meter as recited in claim 30. Accordingly, Applicants respectfully submit that claim 30 should not be included in the §102(b) rejection based on Davis alone. Nevertheless, the Examiner relies on the laser module 34 taught by Richter, and contends that it would have been obvious to modify the Davis device to include this feature to achieve the embodiment of the present invention as defined in claim 30.

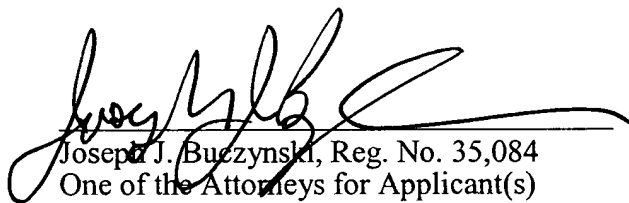
Applicants respectfully submit that Richter fails to teach or suggest any error correction as recited in amended independent claims 1, 5 and 6. Therefore, Applicants respectfully submit that

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the teachings of Richter fail to make up for the deficiencies in the teachings of Davis. Accordingly, all claims should be allowable over these references.

In view of the above, it is believed that the application is in condition for allowance and notice to this effect is respectfully requested. Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the telephone number indicated below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Joseph J. Buczynski', with a long horizontal flourish extending to the right.

Joseph J. Buczynski, Reg. No. 35,084  
One of the Attorneys for Applicant(s)  
Drinker, Biddle & Reath, LLP  
1500 K. Street, NW, Suite 1100  
Washington, DC 20005-1209  
(202) 842-8806 (telephone)  
(202) 842-8465 (facsimile)  
Customer No.: 08968

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